

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

United States Courts
Southern District of Texas**CRIMINAL COMPLAINT**

Juan Carlos Serna

PRINCIPAL

USC FILED

Case Number:

YOB: 1989

February 16, 2022

M-22- 0331 -M

Nathan Ochsner, Clerk of Court

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 15, 2022 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that David Ramos-Hernandez and Ana Elisabeth Ramos-Soto, citizens and nationals of Honduras, and Brayan Soancatl-Ximello, a citizen and national of Mexico, for a total of three (3), who had entered the United States in violation of law, did knowingly transport, or move or attempted to transport said aliens in futherance of such violation of law within the United States, that is, from a location near Roma, Texas to the point of arrest near Roma, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Border Patrol Agent and that this complaint is based on the following facts:

On February 15, 2021, a Border Patrol agent observed a black GMC Yukon travelling along FM650 make an abrupt U-turn. Based on the agent's experience, load vehicle drivers typically do this maneuver when they are alerted of law enforcement presence along their route of travel. At the time, several DPS and Border Patrol marked units were stationary and observing vehicles travelling on FM650. The agent then observed the black Yukon with one (1) visible occupant park inside the compound of a known alien smuggler. The agent relayed this information to nearby law enforcement personnel. Minutes later, a Texas DPS trooper observed the same black Yukon traveling north on FM650 and attempted to conduct a vehicle stop for a traffic infraction. The driver failed to yield to emergency equipment, and a pursuit ensued. DPS pursued the vehicle as it drove through residential streets, weaved dangerously in and out of traffic, and proceeded to go off road. The vehicle finally came to stop when the driver drove into thick vegetation and collided with a barbwire fence. The vehicle got entangled with the barbwire fence which prevented the doors from opening. The driver was pulled from the driver seat, one (1) subject was recovered from the front passenger seat, and two (2) were discovered in the back seat.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Complaint authorized by AUSA Colton Turner

Submitted by reliable electronic means, sworn to and attested telephonically per Fed. R. Cr.P.4.1, and probable cause found on:

/S/ Rosendo Agda

Signature of Complainant

Rosendo Agda

Border Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

February 16, 2022 2:09 PM

Date

at McAllen, Texas

City and State

Nadia S. Medrano, U. S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-22- 0331 -M

RE: Juan Carlos Serna

Agents identified the driver as Juan Carlos Serna, a United States citizen, and all three (3) passengers freely admitted to being illegally present in the United States.

PRINCIPAL STATEMENT: Juan Carlos Serna

Juan Carlos Serna, a United States citizen, was read his Miranda rights. Serna understood but declined to provide a statement without the presence of legal counsel.

MATERIAL WITNESS #1 STATEMENT: Edwin David Ramos-Hernandez

Edwin David Ramos-Hernandez, a citizen and national of Honduras, was read his Miranda rights in the Spanish language. Ramos understood his rights and agreed to provide a sworn statement.

Ramos claimed he crossed the Rio Grande River with approximately four (4) other people. Ramos added he did not pay anything and did not expect to pay anything in smuggling fees. Ramos told Agents after walking through the brush for two hours, a black four-door truck arrived at a nearby road. Ramos said he entered truck and sat in the rear driver's side rear passenger seat. Ramos added he did not get a good look at the driver. Ramos stated he heard a siren and felt impact shortly thereafter.

MATERIAL WITNESS #2 STATEMENT: Ana Elisabeth Ramos-Soto

Ana Elisabeth Ramos-Soto, a citizen and national of Honduras, was read her Miranda rights in the Spanish language. Ramos understood her rights and agreed to provide a sworn statement.

Ramos stated a friend made smuggling arrangements on her behalf and she agreed to pay \$10,000 USD to be smuggled into the United States. Ramos added she crossed the Rio Grande River with seven (7) other people. Ramos said her group stayed in the brush overnight until a black four door truck arrived to receive them. Ramos stated she was transported to a ranch for a brief stay. She then said the driver of the truck told her to sit in the front passenger seat, take her jacket off and stay calm. Ramos added the driver also told the other aliens in the back to lie down. Ramos stated she noticed a law enforcement vehicle behind them, and the driver began to drive erratically. Ramos claimed to fear for her life and was injured when the truck struck a fence.

Ramos identified Juan Carlos Serna, through a photo lineup, as the driver of the truck, and who gave instructions to her and the other aliens while in the truck.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-22- 0331 -M

RE: Juan Carlos Serna

MATERIAL WITNESS #3 STATEMENT: Brayan Soancatl-Ximello

Brayan Soancatl-Ximello, a citizen and national of Mexico, was read his Miranda rights in the Spanish language. Soancatl understood his rights and agreed to provide a sworn statement.

Soancatl stated a family member made smuggling arrangements on his behalf and agreed to pay \$160,000 Mexican Pesos in smuggling fees. Soancatl claimed to have crossed the Rio Grande River with two (2) other people. Soancatl said they walked through the brush for two (2) hours until reaching a road where a black four-door truck driven by a light-skinned male with tattoos arrived. Soancatl told Agents he entered the truck through the rear and heard the driver tell them to get down. Soancatl claimed to hear sirens and noticed the driver appeared to be frightened. Soancatl said the truck collided into a tree line and he was unable to dismount the vehicle until law enforcement apprehended him.

Soancatl was unable to identify the driver on a photo lineup.